

JUN 19 2001

**UNITED STATES COURT OF APPEALS
TENTH CIRCUIT**

PATRICK FISHER
Clerk

MELANIE MCCANN, NOELE
NELSON, LISA NIELSON,

Plaintiffs - Appellants,
v.

No. 98-4049

BRYON L. ROSQUIST, D.C., P.C., a
Utah corporation; BRYON L.
ROSQUIST, individually,

Defendants - Appellees.

OPINION ON REMAND

**Appeal from the United States District Court
for the District of Utah
(D.C. No. 97-CV-535-S)**

Larry S. Jenkins (Mary Anne Q. Wood, with him on the briefs), Wood Crapo LLC, Salt Lake City, Utah, for the Plaintiffs - Appellants.

Brent O. Hatch, Johnson & Hatch, P.C., Salt Lake City, Utah, for the Defendants - Appellees.

Before **LUCERO** and **PORFILIO**, Circuit Judges, and **COOK***, District Judge.

*The Honorable H. Dale Cook, United States Senior District Judge for the Northern District of Oklahoma, sitting by designation.

LUCERO, Circuit Judge.

In United States v. Morrison, 120 S. Ct. 1740, 1759 (2000), the Supreme Court invalidated the Civil Rights Remedies for Gender-Motivated Violence Act, 42 U.S.C. § 13981, the civil liability provision of the Violence Against Women Act of 1994. The Court subsequently granted certiorari and vacated and remanded this case for further consideration in light of Morrison. Following Morrison, we must affirm the district court's dismissal of the instant action based on the Supreme Court's invalidation of the underlying statute. The judgment of the district court is therefore **AFFIRMED**.

The mandate shall issue forthwith.